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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,060	04/26/2000	John Richard Bergan	156-102	9604

7590 12/19/2002

Donald W Marks  
3137 Mount Vernon Avenue  
Alexandria, VA 22305

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/558,060

Applicant(s)

BERGAN, JOHN RICHARD

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Oct 09, 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-6 are pending in this application.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable Angiulo et al. (US. Patent No. 6,044,387) over in view of Tran (US. Patent No. 6,202,060).

Regarding on claims 1 and 4, Angiulo teaches a data checking system for determining if necessary files and data have been entered into a computerized management system having a data base containing a plurality of files and data, the system comprising:

an item list (to do list) defining possible data in the computerized management system (col. 9, lines 57-60);

means for displaying the list (a three day view of to-do entries) (col. 10, line 27) and for enabling the user to select (allow the user to review) one or more items (entries) in the item list (a to-do entries) as necessary for the management system (col. 10, lines 27-30);

means enabling a user to request a check of the selected items (col. 11, lines 3-6); and

*✓ the claimed*  
Angiulo does not explicitly teach means responsive to a request to check the selected items for conducting an inspection of the management system database to determine the presence of the selected items and for reporting the results of the conducted inspection. However, Tran teaches, "when the records matching the search criteria are located, they are displayed on the screen on a record by record basis, ready for inspection by the user in step 554 before the routine exits in step 555. However, such manual inspection is appropriated only if the user wishes to edit the records. Then the user wishes to summarize or tabulate the results rather than to examine the responsive records, he or she can use the report writer to generate reports" (col. 34, lines 42-49). This teaches that the user can inspect the records in the database and generate the report. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Tran into Angiulo in order to provide the *what?*

4. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable Angiulo et al. (US. Patent No. 6,044,387) over in view of Tran (US. Patent No. 6,202,060) and further in view of Grimse et al (US. Patent No. 6,269,355).

Regarding on claim 2 and 6, Both Angiulo and Tran do not explicitly teach the *claimed* item list includes lesson plan information and the inspection conducting means determines the present or absence of lesson plans for a selected period in the management system database. However, Grimse teaches the list include the checking of attendance [col. 10, lines 15-41 and fig. 6]. The attendance is *considered as the claimed* ~~also~~ the lesson plan. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify teaching of Tran into Angiulo and Grimse also in order to provide the checking system that <sup>is</sup> ~~be~~ able to check not only the attendance but also ~~be~~ ~~able~~ to check for lesson plan to provide the parent or administration to track the school progress.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Angiulo et al. (US. Patent No. 6,044,387) over in view of Tran (US. Patent No. 6,202,060) and further in view of Doak et al. (US. Patent No. 5,864,869).

Regarding on claims 3 and 5, Both Angiulo and Tran do not teach the <sup>claimed</sup> item list includes child developmental areas and the inspection conducting means determines the presence or absence of child accomplishment in the selected developmental areas. However, Doak teaches "allow the user or teacher to publish: seating chart; grading schemes; teacher and parent correspondence and progress report; class syllabi; evaluation(s). [col. 5, lines 31-35]. This teaches that the teacher can report to the school system the student accomplishment by grading or evaluation(s). It also allows other user to check the student progress. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the teaching of Doak into both Angiulo and Tran because by reporting the student grade and the evaluation to the school system in Doak <sup>would</sup> allow the other user to check the student progress.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail [baquoc.to@uspto.gov](mailto:baquoc.to@uspto.gov). The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:


- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

BQ. To

December 4, 2002

  
**JEAN M. CORRIELUS**  
**PRIMARY EXAMINER**